

601 KAR 11:080. Limited commercial driver's license for farm-related service industries.

RELATES TO: KRS 186.531, Chapter 281A, 49 C.F.R. Part 383

STATUTORY AUTHORITY: KRS 186.400, 281A.040, 281A.150, 281A.0901, 49 C.F.R. Part 383

NECESSITY, FUNCTION, AND CONFORMITY: The Federal Highway Administration on April 17, 1992 published in the "Federal Register" a notice that it was allowing limited waivers from some of the provisions of 49 CFR Part 383 relating to the commercial driver's license (CDL) for certain employees of custom harvesters, farm retail outlets and suppliers, agrichemical businesses and livestock feeders. Each state is allowed to waive, at its option, these employees from the commercial driver's license knowledge and skills testing requirements and issue these employees limited CDL's for a seasonal period. The Transportation Cabinet has made a commitment to the motor carrier industry to be no more stringent than required by FHWA in the implementation in Kentucky of the commercial driver's license program. Since FHWA has determined that the granting of this limited authority waiver would not be contrary to the public interest and would not diminish the safe operation of commercial motor vehicles, the Kentucky Transportation Cabinet, through this administrative regulation, adopts this waiver program.

Section 1. Definitions. "Farm-related service industry" means a custom harvester, a farm retail outlet or supplier, an agrichemical business or a livestock feeder.

Section 2. Eligibility Requirements. (1) A commercial driver employed by a farm-related service industry may apply for a farm-related service industry limited commercial driver's license.

(2) To be eligible for the limited farm-related service industry commercial driver's license, the applicant shall:

(a) Possess a valid Kentucky motor vehicle operator's license issued pursuant to KRS Chapter 186;

(b) Have been a Kentucky licensed motor vehicle operator for at least one (1) year;

(c) Be at least eighteen (18) years of age;

(d) Have a current medical certificate as provided by 601 KAR 1:005;

(e) Pass the vision test for commercial drivers administered by the Kentucky State Police;

(f) Not have had his driving privilege suspended, canceled, revoked or otherwise withdrawn for any reason during the preceding two (2) years;

(g) Not have had during the preceding two (2) years a conviction in any type of motor vehicle of any of the following:

1. Driving under the influence of alcohol or other substance which may impair one's driving ability;

2. Leaving the scene of an accident;

3. Committing any felony involving a motor vehicle;

4. Speeding fifteen (15) miles per hour or more above the speed limit;

5. Reckless driving;

6. Improper or erratic lane changes;

7. Following too closely; or

8. Accident-related traffic law violation;

(h) Not have had an at-fault accident within the immediately preceding two (2) years; and

(i) Not be the holder of any type commercial driver's license.

(3) In place of the medical certificate and vision test, the applicant may have been issued a medical waiver pursuant to 601 KAR 11:040.

(4) The applicant shall not be required to submit to the knowledge or skills test required of other CDL applicants.

Section 3. Application for the Limited CDL. (1) Application for the limited farm-related service industry commercial driver's license shall be made on form TC 94-17, "Farm-Related Services Restricted CDL Application", as effective January, 1994. This form is incorporated by reference as a part of this administrative regulation.

(2) The completed application shall be submitted to the driver license issuing office of the jurisdictional circuit court clerk.

(3) The holder of a valid operator's license who has less than six (6) months until his scheduled renewal of his operator's license may apply for an early renewal of his operator's license at the same time he applies for a limited farm-related services commercial driver's license.

(4) The form TC 94-17 incorporated by reference in subsection (1) of this section may be viewed, copied or obtained from the Division of Driver Licensing, Second Floor, State Office Building, Frankfort, Kentucky 40622 or the driver license issuing office of any circuit court clerk. The telephone number of the Division of Driver Licensing is (502) 564-6800. Its hours of business are 8 a.m. to 4:30 p.m. eastern time on weekdays.

Section 4. Validity of the Limited CDL. (1) A qualified applicant may apply for any one (1) of the following limited farm-related service industry commercial driver's licenses:

(a) One (1) valid for sixty (60) days;

(b) One (1) valid for 120 days; or

(c) One (1) valid for 180 days.

(2) A person shall not possess a limited farm-related service industry commercial driver's license for more than 180 days in any twelve (12) month period.

(3) If the limited farm-related service industry commercial driver's privilege to operate any motor vehicle expires, is cancelled, or is withdrawn for any reason, his limited commercial driving privilege shall be terminated at the same time.

(4) A limited farm-related commercial driver who has at least sixty (60) additional days' time of eligibility in the twelve (12) month period may apply to the driver licensing issuance office of the circuit clerk for an extension of his limited farm-related service industry commercial driving privilege. Prior to issuing the extension to his limited commercial driving privilege, his driving history record shall be examined for eligibility with the requirements of Section 2 of this administrative regulation.

(5) A limited farm-related service industry commercial driver's license shall not be valid for the operation of a class "A" vehicle as defined in KRS 281A.170.

(6) A limited farm-related service industry commercial driver's license shall only be valid within 150 highway miles of the employing farm-related service industry.

(7) A limited farm-related service industry commercial driver's license shall not be valid for those commercial drivers transporting hazardous materials as defined in 601 KAR 1:025 except the following:

(a) 1000 gallons or less of diesel fuel; or

(b) Anhydrous ammonia or other types of liquid fertilizer transported in a vehicle or implement of husbandry with a total capacity of 3000 gallons or less;

(c) Solid fertilizer in any quantity.

(8) A limited farm-related service industry commercial driver's license shall only be valid if accompanied by a valid operator's license displaying the following:

(a) An "F" restriction; and

(b) Either a "B" or "C" class commercial driver's license.

Section 5. Fees. (1) Each year at the initial application pursuant to Section 4(1) of this administrative regulation, the applicant for a limited farm-related service industries commercial driver's license shall pay a ten (10) dollar fee to the circuit court clerk for the issuance of the photo farm services

CDL which shall be accompanied by the operator's license.

(2) The applicant for a duplicate or extension to the farm services commercial driver's license during a twelve (12) month period in which he has already paid the fee specified in subsection (1) of this section shall pay a fee of three (3) dollars to the circuit court clerk for the issuance of a new limited farm-related service industries commercial driver's photo license which shall be attached to the motor vehicle operator's license. (20 Ky.R. 2931; eff. 6-23-1994; Crt eff. 2-25-2019.)